

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARGARITO HERNANDEZ SANTOS,
on behalf of himself, FLSA Collective Plaintiffs, and the class,

Plaintiff,

Case No.: 1:22-cv-00899

-against-

NUVE MIGUEL CORP. d/b/a KEY FOODS,
LUIS H. URGILES, KLEVER URGILES, and
ANA URGILES,

Defendants

**NOTICE OF PLAINTIFF'S UNOPPOSED MOTION FOR AN ORDER (1)
CONDITIONALLY CERTIFYING SETTLEMENT CLASS AND COLLECTIVE
ACTION ONLY FOR PURPOSES OF SETTLEMENT, (2) GRANTING PRELIMINARY
APPROVAL TO PROPOSED CLASS ACTION SETTLEMENT AND PLAN OF
ALLOCATION, (3) DIRECTING DISSEMINATION OF NOTICE AND RELATED
MATERIAL TO THE CLASS, AND (4) SETTING DATE FOR FAIRNESS HEARING
AND RELATED DATES**

For the reasons set forth in the Memorandum of Law in Support of Plaintiff's Motion for an Order (1) Conditionally Certifying Settlement Class and Collective Action, (2) Granting Preliminary Approval to Proposed Class Action Settlement and Plan of Allocation, (3) Directing Dissemination of Notice and Related Material to the Class, (4) Setting Date for Fairness Hearing and Related Dates ("Motion for Preliminary Approval"), and the Declaration of C.K. Lee in Support of Plaintiff's Motion for Preliminary Approval ("Lee Declaration"), Plaintiff respectfully requests that the Court enter an Order:

- (1) granting preliminary approval of the Class Settlement Agreement ("Settlement Agreement"), **Exhibit A** to the Lee Declaration;
- (2) conditionally certifying the settlement class under Federal Rule of Civil Procedure 23(b)(3) and 29 U.S.C. § 216(b), only for purposes of settlement;

- (3) appointing Lee Litigation Group, PLLC (“Lee Litigation Group”) (“Plaintiff’s Counsel”) as Class Counsel;
- (4) appointing Arden Claims Service LLC as Claims Administrator;
- (5) approving the proposed Notice of Class Action Settlement, **Exhibit B** to the Lee Affidavit;
- (6) approving Plaintiff’s proposed schedule for final settlement approval and setting a date for the Fairness Hearing and related dates; and
- (7) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiff has contemporaneously submitted a Proposed Order, attached as **Exhibit 1** hereto, for the Court’s convenience.

Date: June 3, 2022
New York, New York

Respectfully submitted,
By: /s/ CK Lee
C.K. Lee, Esq.
LEE LITIGATION GROUP, PLLC
148 W. 24th Street, 8th Floor
New York, NY 10011
Tel.: 212-465-1180
Fax: 212-465-1181
*Attorneys for Plaintiff,
FLSA Collective Plaintiffs
and the Class*